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June 21, 2024

Via ECF

The Honorable Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Ultra Records, LLC. v. Ultra International Music Publishing, LLC*

Case No. 1:22-cv-09667

Defendant's Reply in Support of Motion to Exclude Jeff Rougvie

Dear Judge Subramanian:

As counsel for Ultra International Music Publishing, LLC ("UIMP") in the above action, we write to respectfully request the Court's permission to file under seal the Declaration of Patrick Moxey ("Declaration"), and the accompanying exhibits ("Exhibits"). UIMP makes this request pursuant to Section 11(c)(iii) of the Court's Individual Practices in Civil Cases.

The proposed redaction of the Declaration and Exhibits, concerns highly sensitive and confidential business and financial information relating to advance payments to artists, names of artists, UIMP's profits and losses as is relevant to Plaintiff, Ultra Records, LLC's ("Plaintiff" or "URL") claim for calculation of damages, substantive references and discussion of terms of the confidential 2012 Agreement between UIMP and URL, substantive references and discussion of terms of a confidential settlement agreement UIMP and a non-party, and confidential information and financial records of URL.

To that end, the proposed redactions relate to references, information, and calculations based on UIMP's profits which are highly confidential and sensitive, as well as highly confidential and sensitive information concerning payments to well-known artists in the music industry, confidential agreements, and confidential information and financial information of URL.

Although UIMP understands the presumption in favor of public access to judicial documents, however, UIMP has strong interests in preventing harms that may come from public disclosure of its highly confidential business information and other private matters. *See, e.g.,*

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Standard Inv. Chartered, Inc. v. Fin. Indus. Regulatory Auth., Ind., 347 Fed. App'x. 615, 617 (2d Cir. 2009) (upholding a party's "interest in protecting confidential business information outweighs the qualified First Amendment presumption of public access"); *see also Bergen Brunswig Corp. v. Ivax Corp.*, No. 97 CIV. 2003 (PKL), 1998 WL 113976, at *3 (S.D.N.Y. Mar. 12, 1998) (finding that courts have found good cause for permitting filing under seal where public filing would disclose commercially sensitive and confidential information).

As such, UIMP contends that its confidential financial information describing its profits and losses that is referenced in the exhibits, the names of individual artists and payments made by UIMP, and agreements with URL and third-parties, as well as URL's confidential and business information, should remain non-public information because it is part of UIMP's and URL's highly sensitive confidential business information.

For the reasons above, UIMP respectfully requests that the Court permits the redaction of the Declaration of Patrick Moxey and the accompanying exhibits, that is filed in support of its concurrently filed Defendant's Reply in Support of Motion to Exclude Jeff Rougvie.

Respectfully,

/s/ Ethan Horwitz

Ethan Horwitz

cc: Plaintiff's counsel via ECF

SO ORDERED. The Clerk of Court is directed to close Dkt. 116.



Arun Subramanian, U.S.D.J.

Date: June 24, 2024

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing pleading was electronically filed with the Clerk by using the CM/ECF system, which will send a notice of electronic filing to all registered users of the CM/ECF system.

This 21st day of June, 2024.

/s/ Ethan Horwitz